



Coast Guard HR Flag Voice 71

PHYSICAL DISABILITY EVALUATION SYSTEM

One of the most complex, least understood systems within my area of responsibility is the Physical Disability Evaluation System (PDES). That is truly unfortunate, because the PDES affects many Coast Guard members each year (458 last year alone).

In this Flag Voice, I hope to give a very brief overview of and clear up a few misconceptions about the PDES process. I also will tell you about some positive steps the Coast Guard Personnel Command (CGPC) has taken to improve the process and make it more understandable to you.

References.

COMDTINST M1850.2C, Physical Disability Evaluation System

COMDTINST M1000.6A, Personnel Manual, Chapter 17

Background.

The Physical Disability Evaluation System is the Coast Guard process that evaluates members' physical ability to perform the duties associated with office, rank, grade, or rating and implements the laws and regulations governing members' separation or retirement due to physical disability.

The PDES exists to ensure equitable administration of the provisions of Title 10, United States Code, Chapter 61, which specify military personnel's separation or retirement because of physical disability. These laws were enacted primarily to maintain a vital, fit military organization with the ability to deploy maximum numbers of the available work force. These laws provide benefits for eligible members whose military service terminates due to a Service-connected disability and prevent the arbitrary separation from the Service of those members who incur an injury or disease, yet remain fit for duty.

How the PDES Process Works.

Initial Medical Boards.

A Coast Guard member normally becomes involved with the PDES process when he or she incurs an injury or medical condition that calls into question the ability to continue performing the duties of office, grade, rank or rating. When such a condition exists, an Initial Medical Board (IMB) convenes, usually called by the member's command. The command submits the IMB report, which includes a Medical Officer's narrative summary, command endorsement, and the member's rebuttal, if any, to Commander, Coast Guard Personnel Command, Physical Disability Evaluation Branch (CGPC-adm-1). The Medical Board refers to the Service member as an evaluatee.

Central Physical Evaluation Boards.

CGPC-adm-1 refers the IMB to a Central Physical Evaluation Board (CPEB), a permanently established administrative body located at the Coast Guard Personnel Command that evaluates all evaluatees' physical fitness for duty whose cases it considers. Consisting of a panel of at least two commissioned officers, one of whom serves as President and the other as medical member, the CPEB weighs and impartially examines all relevant evidence in a case and makes findings and recommendations in conformity with applicable laws, regulations, and established policy. The CPEB evaluation is a paper review based solely on the record the evaluatee's command submitted. Neither the evaluatee nor any other witnesses are present for this portion of the process.

Based on the IMB, the CPEB has these options:

- Fit for Duty. The evaluatee is physically and mentally able to perform the duties of office, grade, rank or rating, including specialized duty, if applicable.
- Not Fit for Duty by reason of physical disability. The Board recommends one of these actions: (1) separate with severance pay; (2) place on the Temporary Disability Retired List (TDRL); or (3) place on the Permanent Disability Retired List (PDRL).
- Refer the matter for a Disposition Medical Board (DMB) or addendum if the IMB report lacks sufficient information for the CPEB to render a decision.

After the CPEB reaches a decision, CGPC forwards it to the evaluatee's command for delivery to the

evaluee, who may either accept or reject the CPEB's recommended findings and disposition within 15 working days after receipt. If the evaluatee does not respond within the 15-day window, CGPC deems the evaluatee to have accepted the CPEB's findings and recommendations. If the evaluatee does so, CGPC forwards the case for legal sufficiency and the final approving authority's approval.

Formal Physical Evaluation Boards.

The evaluatee may reject the CPEB's recommended findings and disposition and demand a hearing before a Formal Physical Evaluation Board (FPEB), a standing board also located at the Coast Guard Personnel Command. The FPEB is a fact-finding body; it holds an administrative hearing to evaluate the evaluatee's fitness for duty and make recommendations consistent with the findings. The FPEB examines the written Medical Board, evaluates other evidence presented, and hears witnesses, normally including the evaluatee, to ensure a full, fair hearing. Counsel or another advocate represents the evaluatee at this hearing. At the conclusion of the hearing (usually the same day), the FPEB provides the evaluatee with its recommended findings and disposition, and the evaluatee then has 15 working days to submit a rebuttal.

Several review bodies even above the FPEB actually exist, but the CPEB or FPEB resolve the vast majority of cases.

The PDES Timeline and End Results.

The PDES timeline varies from case to case. No two cases are exactly the same, and the process has many variations based on whether the evaluatee accepts or rejects the findings at various points along the way. For example, if a member rejects the CPEB's findings the need for an FPEB obviously lengthens the process, just as it could alter the end result.

Extraordinary circumstances also can affect the PDES timeline. For instance, if a member is in critical condition, the process is expedited. The expedited review process, sometimes called "death imminent procedures," is merely a CPEB on a significantly-compressed timeline. The expedited review process is intended to safeguard the interests of all concerned, including the evaluatee's dependents. Depending upon the member's time in service and specific family situation, retirement before death may be of financial benefit to the family. In expedited review cases, commands contact the Headquarters Command Center at (202) 267-2100.

Not all IMBs, CPEBs, and FPEBs lead to separation from the Coast Guard. Many evaluatees are found fit for duty and simply resume their Coast Guard career. But evaluatees should understand once an IMB is initiated, the Coast Guard conceivably could discharge them for disability within six or fewer months.

Legal Counsel.

Members who find themselves in the PDES process are not left to find their own way. Commandant (G-L) has responsibility to detail full-time legal counsel to represent evaluatees the PDES is evaluating. Counsel are assigned to PDES cases only after the CPEB has rendered a decision. Legal counsel receive a copy of the CPEB recommended findings and disposition and are available to advise during the evaluatee's 15-working-day window within which to accept or reject the findings. Thus, legal counsel briefs the evaluatee on the CPEB's recommended findings and disposition and, if applicable, represents the evaluatee before FPEB proceedings.

In representing the evaluatee's interests, legal counsel cannot advise commands, medical staffs, or any other personnel about the physical disability evaluation process.

The evaluatee also may also elect to be represented by a civilian counsel or anyone else available to him or her, including a disability counselor supplied by one of the veterans' service organizations, at the evaluatee's personal or the providing organization's expense.

Summary.

I have briefly described this process in the simplest terms possible for two reasons. First, I want all Coast Guard members to generally understand the PDES process. Secondly, it is important to recognize the PDES is designed to protect the evaluatee's rights. CPEBs and FPEBs have no agenda. They lean neither in favor of returning a member to duty nor toward finding a disability. These boards are expected to objectively evaluate the medical condition in question in order to do the right thing, keeping in mind both the member's safety and the Coast Guard's need for a capable member. Board members' watchwords are fairness and objectivity. Additionally, the evaluatee has access to legal counsel, numerous opportunities to reject or rebut findings and recommendations, and a forum in which to present his or her case directly.

As great as the PDES sounds on paper, many Coast Guard men and women who enter the system experience anxiety. They feel as if a system they do not understand threatens their career. They feel a loss of control over their own destiny. Perhaps that feeling is inevitable to some degree. One purpose of this Flag Voice is to alleviate some of that concern by first assuring you of the fairness of the PDES; another purpose is to provide useful information in case you enter the PDES process.

To that end, the Coast Guard Personnel Command's Physical Disability Branch (adm-1) has made PDES information more readily available to Coast Guard members. For example, CGPC (adm-1) maintains a web site (<http://cgweb.uscg.mil/cgpc.adm/adm1.htm>) containing useful information for those dealing

with the PDES. CGPC currently is updating and enhancing this web site; developing an ALCOAST advising commands on some common Medical Board errors and pitfalls that often slow down the PDES process; and finally, updating Chapter 9 of the Physical Disability Evaluation Manual.

Enduring the discomforts any physical ailment entails is taxing to any service member. We recognize going through an unfamiliar, career-threatening process only adds to the stress. We cannot eliminate that aspect of the PDES process, but we hope to mitigate it by giving you as much information as possible to remove some of the mystery. If you find yourself entering the PDES, you owe it to yourself to learn as much as possible as early as possible about the process.

Regards, FL Ames

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